

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Brandice Elliott, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** September 24, 2016

**SUBJECT:** BZA Case 19339 - request for special exception relief under Subtitle E § 5201 to construct an accessory building with a garage and living space at 313 11<sup>th</sup> Street, N.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle E § 5201.1:

- E § 304.1, Lot Occupancy (60% maximum, 67.6% proposed).

**II. LOCATION AND SITE DESCRIPTION:**

Address:	313 11 <sup>th</sup> Street, N.E.
Applicant:	Jennifer Fowler for Chris Caldwell and Kelly Steele
Legal Description:	Square 986, Lot 805
Ward/ANC:	6/6A
Zone:	RF-1 – Residential Flats
Historic District or Resource:	Capitol Hill Historic District
Lot Characteristics:	The rectangular lot is 1,272.4 square feet in area, with 13.37 feet of frontage along 11 <sup>th</sup> Street. The rear of the lot abuts a 30 foot wide public alley.
Existing Development:	The lot is currently developed with a row dwelling.
Adjacent Properties:	The subject property is located in a residential neighborhood. All adjacent properties are zoned RF-1 and are developed with row dwellings and apartment houses.
Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting primarily of row dwellings and some apartment houses. The subject site is located approximately one mile from Eastern Market Metro Station and Stadium Armory Metro Station.

Proposed Development	<p>The proposal consists of the removal of an existing metal shed-style carport and the construction of a new 20 foot high accessory building that will consist of a parking space at grade and living space on the second floor. The structure would increase the lot occupancy from 48.2% to 67.6%, resulting in the need for relief.</p> <p>DCRA has noted that the living space on the second floor could be interpreted as a separate unit. While two dwelling units are permitted in the RF-1 District, there are additional requirements related to access and the provision of a roof deck that may require a special exception for the proposed structure should it be considered a separate unit (Subtitle U § 301.1). The inclusion of the full bathroom and wet bar on the floor plan could result in this interpretation, and the applicant has been advised to continue working with DCRA to determine if additional relief would be required. The applicant has indicated that the livable space is intended to be an extension of the primary dwelling, and that the owner has no intention of using it as a separate unit. OP has provided analysis accordingly.</p>
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Lot Width (ft.) § 201	18 ft. min.	13.37 ft.	13.37 ft.	Existing nonconforming
Lot Area (sq.ft.) § 201	1,800 sq.ft. min.	1,272 sq.ft.	1,272 sq.ft.	Existing nonconforming
Court § 203	None required	4.6 feet	None	None required
Pervious Surface § 204	0%	Not provided	Not provided	None required
Height (ft.) § 303	20 ft. max.	--	20 ft.	None required
Lot Occupancy § 304	60% max.	67.6%	67.6%	<b>Required</b>
Rear Yard (ft.) § 306	20 ft. min.	48.1 ft.	28.09 ft.	None required

### IV. OP ANALYSIS:

#### 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.*

- (a) *Lot Occupancy;*
- (b) *Yards;*
- (c) *Courts;*
- (d) *Minimum lot dimensions;*
- (e) *Pervious surface; and*
- (f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

<sup>1</sup> Information provided by applicant.

The applicant has requested relief consistent with this section for lot occupancy.

*5201.2 Special exception relief under this section is applicable only to the following:*

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The applicant has requested special exception relief for a new accessory structure, which qualifies for relief under this section.

*5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) The light and air available to neighboring properties shall not be unduly affected;*

Light and air to neighboring properties should not be unduly affected as a result of the proposed addition. The proposed accessory structure would be aligned with the apartment building to the north, and may have minor impact on light during the morning hours, but there would be no shadows cast beyond noon during any season. The properties to the south would not be likely to be affected by the accessory structure, as the rear yard of 311 11<sup>th</sup> Street does not extend as far as the subject property, and a distance of approximately 45 feet would be provided between the accessory structure and the dwelling at 1116 C Street. The structure would be of a modest size, adding 267.4 square feet of building to the lot, which is slightly larger than the existing metal shed-style carport on the property.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed accessory structure should not compromise the privacy of use and enjoyment of neighboring properties. Side setbacks are not required in the RF-1 District; however, the proposed structure would not include new windows along the side elevations. Further, the structure would be separated from the apartment building to the north by approximately eight feet, from 311 11<sup>th</sup> Street to the south by approximately 40 feet, and from 1116 C Street by approximately 45 feet. Letters of support have been provided to the record from neighbors along 11<sup>th</sup> Street, including the immediate neighbor to the south.

- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The proposed accessory building would not be visible from 11<sup>th</sup> Street, as it would be located entirely behind row dwellings that have not provided side setbacks, or behind mature landscaping. As a result, it should not substantially visually intrude upon the character, scale and pattern of row dwellings along the street frontage. The accessory building would be visible from the public alley, but is undergoing review by Historic Preservation to ensure that it fits within the context of the Capitol Hill Historic District.

- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or*

*elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided graphical representations including plans, photographs, elevations, and sections sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

(e) *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The applicant has proposed a lot occupancy of 67.6%, which is less than the maximum of 70% permitted by this section.

*5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP does not recommend special treatment of the proposed addition.

*5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The accessory building would contain livable area and a parking space, which conforms to the uses permitted in the RF-1 District.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming height or number of stories as a special exception.*

The proposed height and number of stories would comply with the development regulations for accessory structures in the RF-1 District, which is 20 feet of height and up to two stories.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, comments from other District Agencies had not been received.

## **VI. COMMUNITY COMMENTS**

Several letters of support have been entered into the record.

As of the date of this writing, no other comments have been received from the ANC or surrounding community regarding the request for relief. The ANC is scheduled to hear this case at its October 14, 2016 meeting. The applicant should provide an update to the Board concerning outreach efforts and the ANC meeting outcome at the hearing.

## **Location Map**

